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ZAGREB PLEASE PASS TO BELGRADE

E.O. 12958: N/A
TAGS: [UNSC PREL](#) [UNMIK YI](#)
SUBJECT: KOSOVO -- DEMARCHE TO UN ON UNMIK, CUSTOMS IN
KOSOVO

REF: PRISTINA 85

¶1. The Department requests that USUN deliver a demarche at the highest appropriate level to UN officials, in coordination with our European allies on the Security Council, to ensure that UNMIK carry out its administrative and security functions on Kosovo's border with Serbia, particularly customs functions, in fulfillment of its mandate under UN Security Council Resolution 1244.

OBJECTIVES

¶2. USUN should pursue the following objectives:

- that UNMIK maintain border controls at the administrative boundary line between Kosovo and Serbia;
- that UNMIK prevent Serbian agitators intent on inciting violence from entering Kosovo from Serbia;
- that UNMIK prevent or restrict the travel of Serbian officials who may seek to provoke violence and disorder from within Kosovo.
- that UNMIK reestablish customs functions at the border, including north of the Ibar river.
- that UNMIK reject as an inadmissible challenge to its authority any Government of Serbia proposal to open a GOS customs office in Mitrovica.
- that UNMIK police remain at full strength and actively enforce their mandate throughout the full period of transition to EULEX.

BACKGROUND

¶3. Reftel from Embassy Pristina details the negative impact of UNMIK's passive stance in not asserting its authority and failing to control movement across the border between Serbia and Kosovo, after Serbian rioters destroyed administrative facilities, particularly at gates 1 and 31, near Leposavic and Zubin Potok, respectively. Reftel describes Serbia's attempts to establish a parallel administration in northern Kosovo, and, through the establishment of illegal customs posts within Kosovo, to implement a de facto economic blockade. USUN may draw on the following points in making this demarche to UN officials:

-- The UN has stated clearly that UNSCR 1244 remains in effect and UNMIK will carry out its mandate as outlined in 1244. We need UNMIK, including UN Police, to respond more robustly to Belgrade's provocations in Kosovo. Recent UN actions are not upholding 1244, especially in the north.

-- Serbia is implementing a policy that directly contravenes UNSCR 1244. Belgrade officials have stated bluntly that their goal is to establish/entrench parallel institutions for Kosovo Serbs that are directly controlled from Belgrade (de facto partition).

-- We expect UNMIK to be robust in the face of Serb provocations and challenges. Maintaining control over Kosovo's borders is essential. KFOR can and is backing up police but border issues are an UNMIK responsibility.

-- We recognize UNMIK's stated desire to be "status neutral" in Kosovo. However, failure to control the border and to collect customs at the border is not status neutral. It is a marked shift from UNMIK standard practice before February 17. By allowing Belgrade to intensify parallel structures and roll back border/customs regimes UNMIK is ceding its authority in northern Kosovo to Serbia and failing in its 1244-mandated responsibilities.

-- It is critical that UNMIK maintain border controls at the administrative boundary line. Gate #1 was inadequately staffed earlier this week and cars/trucks/buses were and still are passing freely without appropriate checks. Moreover, customs officials must return to gates 1 and 31 immediately. UNMIK should continue to collect customs at every border gate where it did so before February 17.

-- We understand that Belgrade plans to open a GOS customs office in Mitrovica. This would clearly violate UNSCR 1244 and UNMIK must be prepared to respond vigorously to this latest provocation.

-- It is also critical to resist attempts by Kosovo Serbs to transform the UNMIK court in the north into a Serb court and allow Serbs to expel ethnic Albanians from the staff.

-- It is important that UNMIK police remain at full strength and actively enforce their mandate throughout the full period of transition to EULEX.

-- Solana will be making similar points to Guehenno this week.

DEPARTMENT POINT OF CONTACT

14. Please report the results of this demarche to IO/UNP - John Mariz, 202 647-0048, marizjc@state.gov.
RICE